

200605044

INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE
OF VIRGINIA SECTION 45.1-361.26

000169 NOV 30 2004

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING

DOCKET NO. VGOB 03/11/18-1234

ELECTIONS, UNIT: V-502720

(hereinafter "Subject Drilling Unit")

TAX MAP IDENTIFICATION NUMBERS:

TAX MAP IDENTIFICATION NUMBERS FOR ALL
PARCELS AFFECTED BY THIS ORDER ARE SHOWN ON
EXHIBIT (S) B-3 WHICH IS/ARE ATTACHED
TO AND A PART OF THIS ORDER.

REPORT OF BOARD

FINDINGS AND ORDER

1. This Supplemental Order is entered by the Board sua sponte in the form authorized by the Board at its hearing held at 9:00 a.m. on October 20, 1992, Board of Supervisors Room, Courthouse, Grundy, Virginia, and pursuant to authority granted to the Board's Chairman at the hearing of the Virginia Gas and Oil Board on June 16, 1992, at 9:00 a.m. at the Rhododendron Restaurant at the Breaks Interstate Park, Breaks, Virginia; and this Supplemental Order is being recorded for the purpose of (1) complying with the requirement of the Virginia Gas and Oil Board Regulations, 4 VAC 25-160.70C by supplementing the Order previously issued by the Board for subject Docket on May 19, 2004, and recorded Instrument #200402572 at the Office of the Clerk of Circuit Court, Wise County, Virginia on June 2, 2004, (herein "Board Order") to complete the record regarding elections. The Board Order pooled all interest in Subject Drilling Unit including those of the Respondents more particularly set forth and identified by the Designated Operator in the affidavits attached hereto and made a part hereof. The Board finds it has jurisdiction over the subject matter pursuant to the provisions of the Virginia Gas and Oil Act, § 45.1-361.1 et seq., Virginia Code, 1950 as amended.
2. Findings: The Board finds that:
 - (a) The Board Order directed Equitable Production Company, (herein the Designated Operator"), to mail copies of the Board Order to all respondents whose interest, if any, were pooled by said Board Order;
 - (b) The designated operator filed its affidavit of mailing dated June 8, 2004, disclosing that it had mailed a correct copy of the Board's Order to all Respondents whose interest, if any, were pooled by said Board Order;
 - (c) The Board Order required each Respondent whose interest, if any, were pooled by the terms of said Board Order to make his or her election within thirty (30)

days after the date of mailing or recording, as applicable, of said Order; the Designated Operator has filed its affidavit dated December 7, 2004, in accordance with § 7.C of the Virginia Gas and Oil Board Regulations and 4 VAC 25-160.70C (herein "Affidavit of Election"), wherein it has, for each Respondent whose interest, if any, were pooled by said Board Order, stated: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of the election made, if any; (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interest, estates and claims in Subject Drilling Unit to the Designated Operator;

- (d) The Board Order further required the Designated Operator, after expiration of the election period, to file with the Board a statement of the interests subject to escrow under the terms and provisions of the Board Order, in light of the elections made or deemed to have been made (herein "Statement of Interests"); that the Designated Operator furnished said Statement of Interests as part of its Affidavit of Election. A copy of which is attached hereto as Exhibit B;
 - (e) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, Wachovia Bank, Corporate Trust, PA 1328, 123 South Broad Street, Philadelphia, PA 19109-1199, (888) 396-0853, Attn: Rachel Rafferty, or any successor named by the Board, require the entry of a Supplemental Order establishing of record the elections made or deemed to have been made and specifying the sums or percentage thereof subject to escrow. Current Board escrow standards were made applicable to Subject Drilling Unit by a Board Order dated December 23, 1992.
3. Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2 above and the annexed Affidavits, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, Corporate Trust, PA 1328, 123 South Broad Street, Philadelphia, PA 19109-1199, (888) 396-0853, Attn: Rachel Rafferty, or any successor named by the Board to establish interest-bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in said affidavits to receive such funds and account to the Board therefore.
4. Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or its Attorney shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each person whose interest or claim is subject to escrow and whose address is known.
5. Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.
6. Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 22nd day of October, 2006 by a majority of the Virginia Gas and Oil Board.

000171 NOV 30 2006

Benny R. Wampler
Chairman, Benny R. Wampler

DONE AND PERFORMED THIS 22nd day of October, 2006 by Order of this Board.

B. R. Wilson
B. R. Wilson
Principal Executive to the Staff
Virginia Gas and Oil Board

STATE OF VIRGINIA)
COUNTY OF Washington

Acknowledged on this 22nd day of October, 2006, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

Diane J. Davis
Notary Public

My commission expires: 9/30/09.

STATE OF VIRGINIA)
COUNTY OF Washington

Acknowledged on this 26th day of October, 2006, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Principal Executive to the Staff Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

Diane J. Davis
Diane J. Davis
Notary Public

My commission expires: 9/30/09.

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE: Application of Equitable Production Company, for Forced Pooling of Interests in Unit Number V-502720 VGOB Docket No. VGOB-03/11/18-1234 in the Lipps Magisterial District of Wise County, Virginia.

AFFIDAVIT OF WILHOIT & KAISER, Attorneys-at-Law, Agents for the Designated Operator REGARDING ELECTIONS, ESCROW ACCOUNTS AND SUPPLEMENTAL ORDER

James E. Kaiser (herein Affiant), being first duly sworn on oath, deposes and says:

1. That the Affiant is an attorney in the law firm of WILHOIT & KAISER, the Agent for the Designated Operator, with offices located at 220 Broad Street, Kingsport, Tennessee 37660, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on May 19, 2004, by the Virginia Gas and Oil Board regarding the captioned Conventional Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by said Order;
3. That within seven (7) days of the receipt of an executed copy of the Order referred to at Paragraph 2. above, the Affiant was directed to cause a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who are added as Respondents at the hearing held in the captioned matter;
4. That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator with regard to their interest and/or claims.

4 Charles E. Mutter .0750000%
c/o Harvest Management Group
P.O. Box 9596
Rapid City, SK 57709-9596

That upon obtaining this voluntary lease the unit is now 100% leased, and the Applicant would request the VGOB to enter an Order dismissing the Board Order.

Dated at Kingsport, Tennessee, this 7th day of December 2004.

000173 NOV 30 08

[Signature]
Affiant

Taken, subscribed and sworn to before me by James E. Kaiser, the Agent of Equitable Production Company, a corporation, on behalf of the corporation, this 7th day of December 2004.

My commission expires: Nov. 12, 2008

Susan E. Peterson
Notary

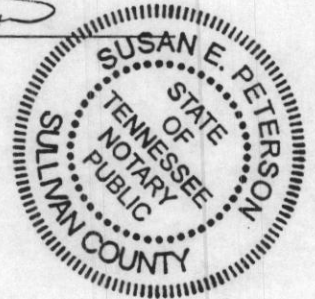


EXHIBIT "B-3"
V-502720
Unleased Owners

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ADRENCH 30 8 IN UNIT</u>
--------------	---------------	-------------------------	-------------------------------------	---

4	Charles E. Mutter c/o Harvest Management Group PO Box 9596 Rapid City, SD 57709-9596	Unleased	0.750000%	0.8400
---	---	----------	-----------	--------

ID# 007991

INSTRUMENT #200605044
RECORDED IN THE CLERK'S OFFICE OF
WISE COUNTY ON
NOVEMBER 30, 2006 AT 12:01PM
J. JACK KENNEDY, JR., CLERK

RECORDED BY: SLS

Instrument Control Number

Commonwealth of Virginia

Land Record Instruments

Cover Sheet - Form A

000168 NOV 30 06

[ILS VLR Cover Sheet Agent 1.0.83]

INSTRUMENT #200605044
 RECORDED IN THE CLERK'S OFFICE OF
 WISE COUNTY ON
 NOVEMBER 30, 2006 AT 12:01PM
 J. JACK KENNEDY, JR., CLERK

RECORDED BY: SLS

(Box for Deed Stamp Only)

 TAX
 E
 X
 E
 M
 P
 T

CORP

Date of Instrument: [11/13/06]

Instrument Type: [ORDER]

Number of Parcels [1]

Number of Pages [6]

City ☐ County ☒ [Wise County]

First and Second Grantors

Last Name	First Name	Middle Name or Initial	Suffix
[Virginia]	[Gas and Oil Board]	[]	[]
[]	[]	[]	[]

First and Second Grantees

Last Name	First Name	Middle Name or Initial	Suffix
[Mutter]	[Charles]	[E]	[]
[]	[]	[]	[]

Grantee Address (Name) [Equitable Production Company]
 (Address 1) [Cloverleaf Square]
 (Address 2) []
 (City, State, Zip) [Big Stone Gap] [VA] [24219]
 Consideration [0.00] Existing Debt [0.00] Assumption Balance [0.00]

Prior Instr. Recorded at: City ☒ County ☐ [Wise] Percent. in this Juris. [100]
 Book [] Page [] Instr. No [200402572]
 Parcel Identification No (PIN) [Supplemental V-502720]
 Tax Map Num. (if different than PIN) [007991]
 Short Property Description [supplemental order]
 []
 Current Property Address (Address 1) []
 (Address 2) []
 (City, State, Zip) [] [] []

Instrument Prepared By [Virginia Gas and Oil Board]
 Recording Paid for By [DMME]
 Return Recording To (Name) [Diane Davis]
 (Address 1) [Division of Gas and Oil]
 (Address 2) [P. O. Box 1416]
 (City, State, Zip) [Abingdon] [VA] [24212]
 Customer Case ID [Supplemental 1234] [] []

